

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-8, 10 and 11 were pending in this application when last examined.

Claims 1 and 6-8 were examined on the merits and stand rejected.

Claims 2-5, 10 and 11 are withdrawn as non-elected subject matter.

Applicants reserve the right to file a Continuation or Divisional Application on any non-elected subject matter.

Claims 1 and 6-8 are amended to clarify the claimed invention.

No new matter has been added.

II. INDEFINITENESS REJECTION

On pages 2-3 of the Office Action, claims 6-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is overcome, as applied to the amended claims, for reasons which are self-evident.

III. ENABLEMENT REJECTION

On pages 3-10 of the Office Action, claims 1 and 6-8 were rejected under 35 U.S.C. § 112, first paragraph for failing to meet the enablement requirement.

It is noted that on page 3, the Examiner indicates that the specification enables a method for determining increased risk of endometriosis in a human, said method comprising measuring an expression level of histamine releasing factor (HRF) polynucleotide in a menstrual blood sample from a human subject and detecting a higher expression level of the HRF polynucleotide from the subject as compared to a normal biological sample, wherein a higher expression level of the HRF polynucleotide from the subject is indicative of a subject having an increased risk of endometriosis.

Without acquiescence to the correctness of the Examiner's position, the claims have been amended to recite that which is considered enabled by the Examiner. Thus, this rejection is untenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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